



**U.S. Department of Justice**

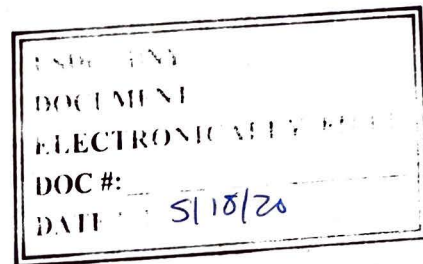
*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 15, 2020

**BY ECF**

The Honorable Kimba M. Wood  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, New York, New York 10007-1312



Re: *United States v. Joel Tapia*, S3 17 Cr. 512 (KMW)

Dear Judge Wood:

On February 18, 2020, this Court appointed Edward Sapone of the CJA Panel to assume representation of defendant Joel Tapia "as co-counsel with appointed counsel Calvin Scholar." (Dkt. No. 592). Subsequently, the Court appointed Katherine Goldstein of the CJA Panel to assist the defendant in place of Mr. Sapone. (Dkt. No. 594).

On April 17, 2020, the defendant, through new counsel, filed a motion pursuant to Rule 33(a) of the Federal Rules of Criminal Procedure to set aside the jury verdict and order a new trial based on allegations of ineffective assistance by Mr. Scholar. (Dkt. Nos. 607, 608). On May 13, 2020, the defendant filed an attorney-client privilege waiver in order to allow Mr. Scholar to respond to the allegations of ineffective assistance. (Dkt. No. 623).

Given the defendant's motion alleging ineffective assistance, and Mr. Scholar's status as a declarant and potential witness against the defendant in the Rule 33 proceedings, the Government respectfully requests that the Court formally relieve Mr. Scholar as the defendant's co-counsel in this case.

Granted

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/  
Olga Zverovich / Margaret Graham  
Assistant United States Attorneys  
(212) 637-2514 / 2923

cc: Counsel of record (by ECF)

*Kimba M. Wood*

SO ORDERED

5/18/20